



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

July 12, 2006

SUBJECT: **2006-0594 – Daphne’s Cafe** [Applicant] **Patrick K. Leung Trustee & et al** [Owner]: Application on a 3.3 acre site located at **146 West El Camino Real** (near Sunnyvale-Saratoga Avenue) in a C-2/ECR (Highway Business/El Camino Real Precise Plan) Zoning District.

Motion Special Development Permit to allow the on-site sale and consumption of alcohol at an existing restaurant.

REPORT IN BRIEF

Existing Site Conditions Building under construction within an existing shopping center

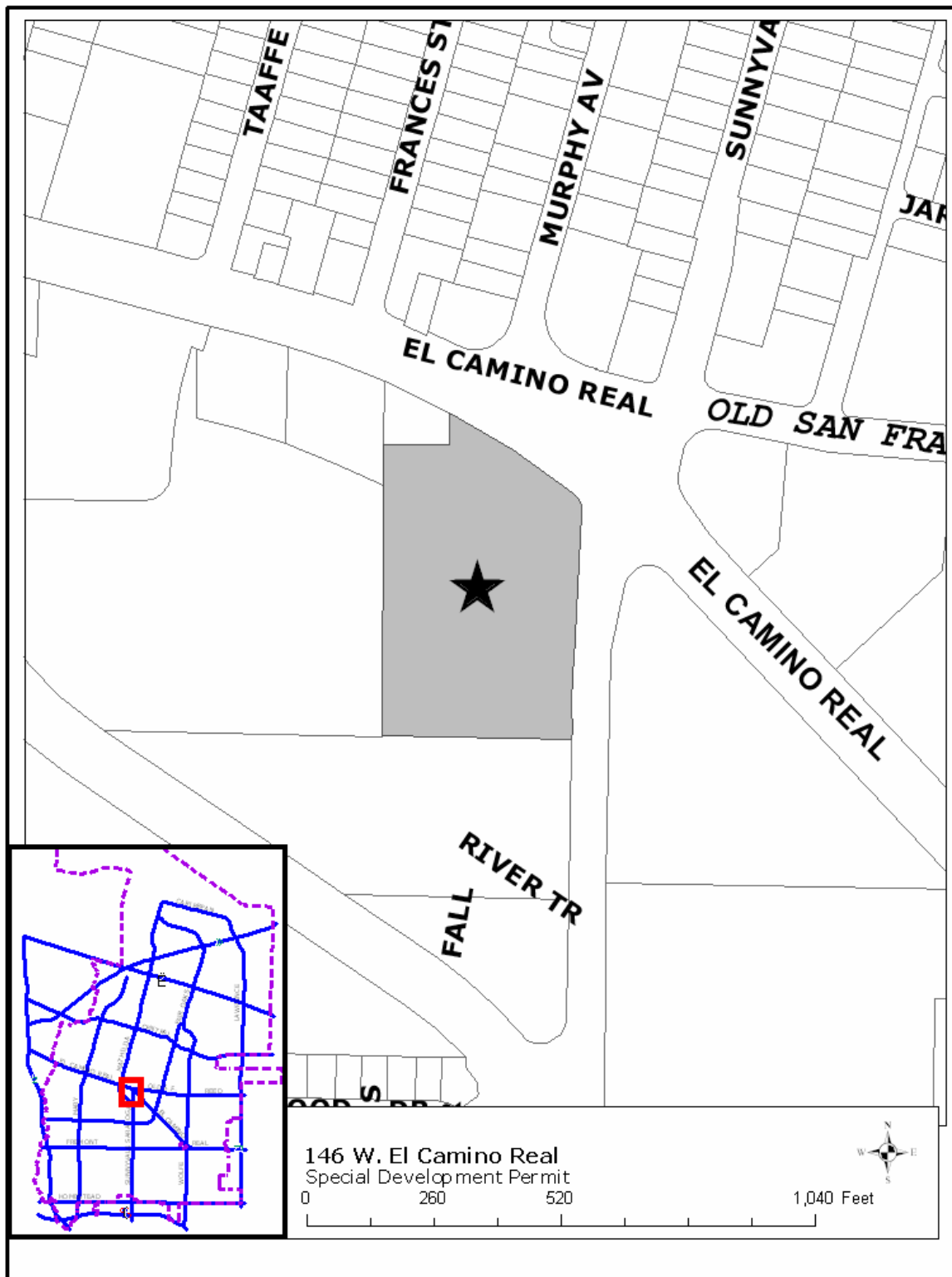
Surrounding Land Uses

North	Commercial across El Camino Real
South	Commercial
East	Commercial
West	Commercial & Residential (apartments)

Issues Compatibility of Use

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial General Business	Same	Commercial General Business
Zoning District	C-2/ECR	Same	C-2/ECR
Lot Size (s.f.)	221,808	Same	No min.
Gross Floor Area (s.f.)	60,158	Same	No max.
Gross Floor Area of Tenant	Approx. 2,000 s.f. of a 3,200 s.f. building under construction	Same	No max.
No. of Buildings On- Site	3	3	By SDP
Parking			
Total Spaces	319	Same	319 min per SDP

ANALYSIS**Description of Proposed Project**

The application is for a Special Development Permit to allow the sale and consumption of alcohol at a restaurant currently under construction. In January of 2005, a two tenant building was approved by Special Development Permit at the site. The Special Development Permit allowed for a restaurant use within the subject tenant space. In order to allow alcohol sales, approval by a separate Special Development Permit is required. No live entertainment is proposed with this application. Condition of Approval #1E requires a Special Development Permit if live entertainment is requested in the future. The hours of operation for the restaurant are 11am to 9pm, Sunday through Thursday and 11am to 10pm on Fridays and Saturdays. Staff has included Condition of Approval #1D stating that the restaurant shall not be open later than 10pm each day of the week.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2004-0856	Construction of a new 3,198 square foot retail/restaurant building (plus canopy area for outdoor seating) and rehabilitation of the existing shopping center	Administrative Hearing / Approved	1/26/06
2003-0451	Modification to an existing Special Development Permit including the expansion of outdoor seating, elimination of drive thru, and modifications to exterior of building (Baja Fresh)	Administrative Hearing / Approved	7/30/03
1995-0281	Restaurant and expansion of existing shopping center	Planning Commission / Approved	9/11/95
1989-0001	Landscape Plans	Miscellaneous Plan Permit / Approved	11/29/89
1982-0257	Develop Fast Food Restaurant	Planning Commission / Approved	2/9/82

Additional Planning permits not noted above relate to signs (permanent & temporary), exterior equipment, telecommunication antennas, and other minor modifications to the site.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use in existing facilities.

Special Development Permit

Site Layout: As stated previously the restaurant will be located within the newly constructed building which is located at the north end of the site along the El Camino Real frontage. The shopping center consists of various uses including restaurants that serve beer and wine. No additional changes are proposed with this application.

Floor Plan: A seating area for customers is located towards the entrance of the tenant space. A kitchen and preparation area is positioned at the center of the tenant space. Restrooms are also located towards the corner of the building. The proposal does not include a bar area for customers and the applicant expects beer and wine sales to only accommodate up to 2-3% of the total sales for the business. (A Site Plan and Floor Plan is included in Attachment C)

Parking/Circulation: Parking for the site was reviewed at the time the restaurant use was approved (2005), and it was determined that the site had sufficient parking for the proposed use. No additional parking is required for the service of alcohol.

Compliance with Development Standards/Guidelines: The proposed project complies with all development standards and guidelines. No further improvements are required at this time.

Expected Impact on the Surroundings: Staff does not believe that the proposed alcohol service will have a negative impact to the site or surrounding uses. The Department of Public safety has reviewed the proposal and has determined that the use will not create an over-concentration for alcohol sales in combination with similar uses within the shopping center. As conditioned, the project will be required to receive an additional Special Development Permit if live entertainment is requested in the future.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 18 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Special Development Permit with the attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

Recommendation

Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Floor Plans
- D. Letter from the Applicant (also sent to Dept. of Alcohol and Beverage Control)

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy N1.7- Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support business, their customers and their employees.

Land Use and Transportation Element

Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The new use will not negatively impact adjacent properties. The proposed use will enable the business to provide an additional use that is a service to its patrons.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. The proposed project does not include modifications to the site and is appropriately located in a commercial retail center.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review and approval of the Director of Community Development.

1 GENERAL CONDITIONS

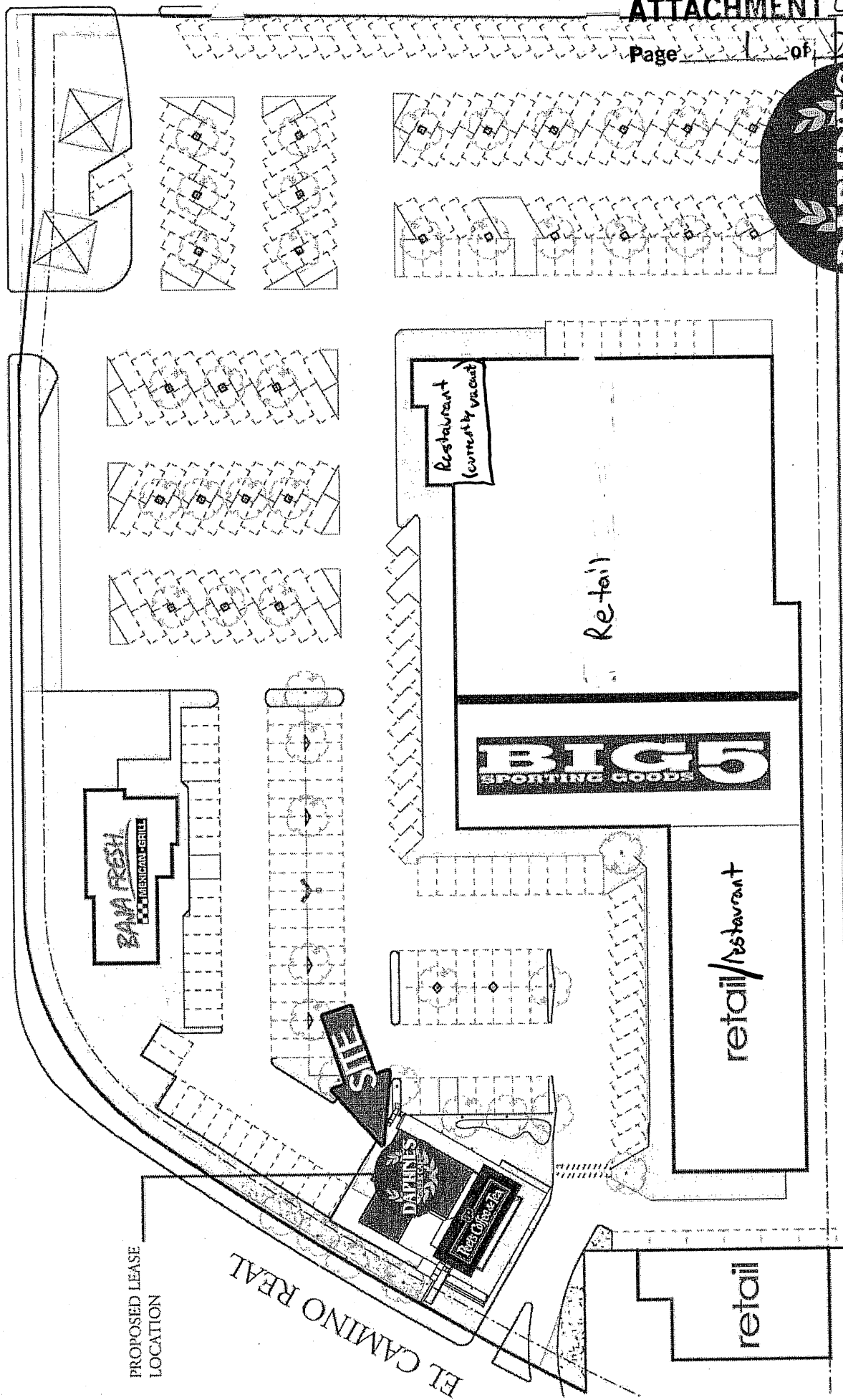
- A. If not exercised, this Special Development Permit shall expire two years after the date of approval by the final review authority.
- B. Project shall be in substantial conformance to the approved plans. Minor changes may be approved by the Director of Community Development. Major changes shall be approved at a public hearing.
- C. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The operation hours for the business shall be as follows:
11:00am – 10:00pm – Daily
- E. Any proposed live entertainment use shall require a Special Development Permit reviewed at a public hearing.
- F. All proposed signs shall require a separate sign permit approval and are subject to the approved Master Sign Program for the shopping center.

2. RECYCLING AND SOLID WASTE

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- B. The property shall remain clean and free of debris and garbage.

Sunnyvale Shopping Center, Sunnyvale, CA

SUNNYVALE-SARATOGA AVE



DAPHNES
GREEK CAFE

retail west



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DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
STATE OF CALIFORNIA

RE: DAPHNE'S GREEK CAFE – ABC APPLICATION
LETTER OF PUBLIC CONVENIENCE OR NECESSITY

To Whom It May Concern:

Daphne's is a quick service restaurant that will fulfill a need within this community. We are currently the only fast-casual Greek restaurant in this community.

Daphne's specializes in ethnic, Greek food. The percentage of our beer and wine sales typically ranges between 2 and 3 percent (%) of our total sales. By offering quality food at reasonable prices, we feel Daphne's will provide a crucial service to the community as a whole without contributing to the existing police problem and high crime rate.

Daphne's is interested in locations that have a desire for an upscale dining experience. When we feel a community is there to support such a venture, we like to perform. We have over 50 locations in California and previous experience with the operation of licensed premises.

Daphne's food is freshly prepared and reasonably priced. This has been our formula for success and we try to replicate this formula in suitable communities.

Warmest regards,

A handwritten signature in black ink, appearing to be 'Carrie Meyer', written over a horizontal line.

Carrie Meyer
Real Estate Development



OPERATIONS STATEMENT

Hours of Operation:

Sunday – Thursday: 11:00 am to 9:00 pm

Friday – Saturday: 11:00 am to 10:00 pm

Average number of employees = 12

Breakdown of products and services:

This 2000+ square foot space will be used to operate a Greek Cafe for the preparation and sale for consumption on-premises and/or off-premises of Greek food and beverages (non-alcoholic if off site), consistent with the menu items sold throughout the Daphne's chain. (Please see attached menu.)